

Introduced by Senator Sher

February 21, 2003

An act to amend Sections 65352 and 65400 of, and to repeal Section 65307 of, the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 699, as introduced, Sher. Local planning agencies: duties.

(1) The Planning and Zoning Law requires the planning agency, prior to action by a legislative body to adopt or substantially amend a general plan, to refer the proposal to affected local agencies, as specified.

This bill would exempt the planning agency from referring the proposal to an affected local agency if the planning agency has consulted with that agency prior to completing an environmental impact report on the proposed action pursuant to the California Environmental Quality Act.

(2) The Planning and Zoning Law requires the planning agency, after a legislative body has adopted all or part of a general plan, to provide an annual report, on or before October 1 of each year, to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of the general plan and progress in meeting the community's share of regional housing needs. The report is required to be prepared through forms and definitions adopted by the Department of Housing and Community Development.

The bill would require the report to include the degree to which the approved general plan complies with specified guidelines for the preparation of the mandatory elements of the general plan and the date of the last revision to the general plan. By imposing new duties on

planning agencies, the bill would create a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65307 of the Government Code is
2 repealed.

3 ~~65307. On or before October 1 of each year, the planning~~
4 ~~agency of each city or county shall comply with the provisions of~~
5 ~~Section 65400.~~

6 SEC. 2. Section 65352 of the Government Code is amended
7 to read:

8 65352. (a) Prior to action by a legislative body to adopt or
9 substantially amend a general plan, the planning agency shall refer
10 the proposed action to all of the following entities:

11 (1) Any city or county, within or abutting the area covered by
12 the proposal, and any special district that may be significantly
13 affected by the proposed action, as determined by the planning
14 agency, *unless the planning agency has consulted with the city,*
15 *county, or special district pursuant to Section 21153 of the Public*
16 *Resources Code.*

17 (2) Any elementary, high school, or unified school district
18 within the area covered by the proposed action.

19 (3) The local agency formation commission.

20 (4) Any areawide planning agency whose operations may be
21 significantly affected by the proposed action, as determined by the
22 planning agency.

23 (5) Any federal agency if its operations or lands within its
24 jurisdiction may be significantly affected by the proposed action,
25 as determined by the planning agency.

26 (6) Any public water system, as defined in Section 116275 of
27 the Health and Safety Code, with 3,000 or more service

connections, that serves water to customers within the area covered by the proposal. The public water system shall have at least 45 days to comment on the proposed plan, in accordance with subdivision (b), and to provide the planning agency with the information set forth in Section 65352.5.

(7) The Bay Area Air Quality Management District for a proposed action within the boundaries of the district.

(b) Each entity receiving a proposed general plan or amendment of a general plan pursuant to this section shall have 45 days from the date the referring agency mails it or delivers it in which to comment unless a longer period is specified by the planning agency.

(c) (1) This section is directory, not mandatory, and the failure to refer a proposed action to the other entities specified in this section does not affect the validity of the action, if adopted.

(2) To the extent that the requirements of this section conflict with the requirements of Chapter 4.4 (commencing with Section 65919), the requirements of Chapter 4.4 shall prevail.

SEC. 3. Section 65400 of the Government Code is amended to read:

65400. After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:

(a) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(b) ~~(1) Provide by October 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the that~~ includes all of the following:

(1) ~~The status of the plan and progress in its implementation; including the.~~

(2) ~~The progress in meeting its share of regional housing needs determined pursuant to Section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583.~~

1 ~~(2)–~~

2 The housing *element* portion of the annual report ~~required to be~~
3 ~~provided to the Office of Planning and Research and, as required~~
4 ~~by this paragraph, shall be prepared through the use of forms and~~
5 ~~definitions adopted by the Department of Housing and~~
6 ~~Community Development pursuant to this subdivision shall be~~
7 ~~prepared through the use of forms and definitions adopted by the~~
8 ~~Department of Housing and Community Development pursuant to~~
9 ~~the rule-making provisions of the Administrative Procedure Act~~
10 ~~(Chapter 3.5 (commencing with Section 11340) of, Chapter 4~~
11 ~~(commencing with Section 11370) of, and Chapter 5~~
12 ~~(commencing with Section 11500) of, Part 1 of Division 3 of Title~~
13 ~~2). This report shall be provided to the legislative body, the Office~~
14 ~~of Planning and Research, and the Department of Housing and~~
15 ~~Community Development on or before October 1 of each year.~~

16 (3) *The degree to which its approved general plan complies*
17 *with the guidelines developed and adopted pursuant to Section*
18 *65040.2 and the date of the last revision to the general plan.*

19 SEC. 4. It is the intent of the Legislature that the amendments
20 to Section 65400 of the Government Code made by this act correct
21 a drafting error made in the amendments to that section in Chapter
22 1235 of the Statutes of 1994 (Assembly Bill 51).

23 SEC. 5. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 this act provides for offsetting savings to local agencies or school
26 districts that result in no net costs to the local agencies or school
27 districts, within the meaning of Section 17556 of the Government
28 Code.